

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-11 and 14-22 are pending, Claims 12 and 13 having been canceled and Claim 22 amended by way of the present amendment. The amendment to Claim 22 corrected an informality.

In the outstanding Office Action, Claim 12 was rejected under 35 U.S.C. § 101; and Claims 1-22 were rejected as being unpatentable over Ashley et al. (U.S. Patent No. 6,584,273, hereinafter "Ashley").

In reply, Claim 12, and dependent Claim 13 have been canceled without prejudice or disclaimer.

Claim 1, for example, is directed to an information processing device that decodes a multiplexed stream which includes a data stream constituted by a plurality of source packets each having a transport packet and its arrival time stamp. Also, a second picture, which is the first picture of a second multiplexed stream, is connected to a first picture, which is the last picture of a first multiplexed stream so as to be reproduced seamlessly. The processing device, among other things includes an output means for outputting the source packets according to the arrival time stamp of the multiplexed stream.

In the non-limiting example of Figure 8, a decoder 20 receives a multiplexed stream of transport packets as shown. Moreover, Figure 9 is a timing chart of an input, decoding and presentation of the transport packet during a shift between a certain AV stream (transport stream 1, TS1) and the next AV stream (TS2) seamlessly connected to the AV stream TS1. The transport packet is input to the buffer at a maximum bit rate of TS and an input of the source packet between the times T1 and T2 is determined by an arrival time stamp (see e.g. page 33) of the source packets of TS1.

This approach eliminates an additional buffer corresponding to 1 sec that has been conventionally required for inputting the transport packet at the maximum bit rate. Moreover, in the time period of T1-T2, the source packets are outputted according to the arrival time stamp of the multiplexed stream. As a consequence, it is possible for the audio buffer size to be reduced to one being capable of 100 milliseconds (page 42, last paragraph, continuing to page 43). Thus, having the outputting of the source packets according to an arrival time stamp of the multiplexed stream, permits the use of an audio buffer size to one that is smaller than conventional systems such as Ashley, which requires about 1 second to handle the overlap in time-bases (see column 10, lines 30-31).

Moreover, Ashley operates on a different principal than that in Ashley, and during the period T1-T2 the remaining packets after the last video packet enters the STD at a multiplexed rate of SEQ.1 (column 10, lines 12-13). Therefore, Ashley disregards the arrival time stamp, which the present inventors recognized is a problem with conventional systems (see e.g. first paragraph at page 33 of the present specification). Therefore, according to Ashley, decoders that ignore the arrival time stamp require additional audio buffering of about 1 second to hand the overlap in time-bases (column 10, lines 30-31).

Therefore, comparing Ashley to Claim 1, Claim 1 requires the outputting of source packets according to the arrival time stamp of the multiplexed stream. Ashley on the other hand, ignores the outputting of the source packets according to the arrival time stamp. As such, Ashley does not correspond with all the elements of Claim 1. The outstanding Office Action asserts that Figure 1 of Ashley describes a source depacketizer 113 capable of outputting the source packets according to the arrival time stamp of the source packet. Applicants traverse this assertion. Ashley neither teaches nor suggests this feature and according to the conventional practice (see e.g. page 33 of the present specification), the arrival time stamp is ignored. Therefore, it is respectfully submitted that the Office is


asserting Ashley for beyond what it reasonably teaches, and when Ashley is properly construed in light of what it actually teaches, does not render obvious Claim 1 since Ashley does not disclose all the elements of Claim 1. Furthermore, it is not reasonable to adapt Ashley to construe that it would make use of the arrival time stamp when outputting the source packets of the multiplexed stream since this was not conventional practice as of the time of the present invention. Rather it was the present inventors who recognized the benefit of the outputting of source packets according to the arrival time stamp, and so basing a rejection on Applicants' observation, is evidence of improper hindsight reasoning. Therefore, it is respectfully submitted that Claim 1 patentably defines over Ashley.

Although of differing scope and/or statutory class, it is respectfully submitted that Claims 2-11 and 14-22 patentably define over Ashley for substantially the same reasons discussed above with regard to Claim 1.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claims 1-11 and 14-22 is statutory and patentably distinguishing over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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